IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 21827 of 2006(W)

AGAINST THE ORDER IN MC 17/2005. IN
OP.178/2005 of FAMILY COURT,ERNAKULAM
.....

PETITIONER:

S. KRISHNAN, S/O.K.K. SUBRAMANIAN,
B.24/2, MAITRI PARK, SION - TROMBAY ROAD,
CHEMBUR, MUMBAI-400 071.

BY ADVS. SRI.T.M.SUNIL
SMT.S.CHITHRA
SRI.A.S.BRIJESH

RESPONDENT:

VANITHA KRISHNAN, D/O.P.R. KRISHNAN,
HOUSE NO.1014/19, THOMBRA ROAD, NAYATHODE P.O.,
ANGAMALY, ERNAKULAM DISTRICT.

BY ADV. SRI.WILSON URMESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of judgment in W.P.No.8109/2006 dated 17.3.2006

Ext.P2: True copy of I.A. No.1736/2006 in O.P.No.178/2005 dated 31.3.2006.

Ext.P3: True copy of M.P. No.449/2006 in M.C. No.17/2005 dated 31.3.2006.

RESPONDENT'S EXHIBITS: NIL.

KURIAN JOSEPH & HARUN-UL-RASHID,JJ.

W.P.(C)NO. 21827 OF 2006

Dated this the 4th day of December, 2007

JUDGMENT

Kurian Joseph, J.

The Writ Petition is filed mainly with the following prayer:

> "(i) issue a writ of prohibition or any other appropriate writ, order or direction commanding the Family Court, Ernakulam to keep in abeyance all proceedings in O.P.No.178 of 2005 and M.C. No.17 of 2005 on its file till final orders are passed in divorce case M.J. Petition No. A/50/2005 by the Family Court No.4 Bandra, Bombay in view of Section 21-A of the Hindu Marriage Act & Section 10 of the Civil Procedure Code. "

2. Family Court No.4, Bandra, Bombay has already passed a decree dissolving the marriage of the petitioner with the respondent and there is also a decree for maintenance for the child,Vikram. In view of the development as above, it is only proper that the Family Court considers the Original Petition as well as the Maintenance Case .

The Writ Petition is, therefore, disposed of directing the Family

Court, Ernakulam to consolidate O.P.(Div)No.178 of 2005 and M.C. No.17 of 2005 and dispose of the same expeditiously, taking into account the judgment of the Family Court, Bandra, Bombay. The parties will appear before the Family Court, Ernakulam on 7.1.2008.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007